THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.360 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.2,000/- as against a claim of Rs.50,000/- by the IV Additional District and Sessions Judge (FTC), Nizamabad, vide order, dated 28.06.2004, passed in O.P.No.943 of 2001, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for the 2nd respondent-Insurance Company and perused the record.

3. The learned counsel for the appellant-claimant would contend that the Court below granted meagre compensation of Rs.2,000/- as against a claim of Rs.50,000/- and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the Court below had taken all the relevant factors into consideration and granted just and reasonable amount as compensation. There are no circumstances to enhance the same and ultimately prayed to dismiss the appeal.

5. It is evident from record that the appellant-claimant suffered one simple injury in the motor accident that occurred on 03.07.1999, due to the rash and negligent driving of the driver of the lorry bearing registration No.ADI-3373. Taking the same into consideration, the

Court below granted a compensation of Rs.2,000/- with interest at the rate of 9% per annum from the date of petition till the date of deposit in favour of the appellant-claimant. Except the self-serving statement of the appellant-claimant, who deposed as P.W.1, there is no other evidence to substantiate the claim. Further, there is no X-ray or Wound Certificate to substantiate that the appellant-claimant suffered one simple injury in the subject accident. In view of the same, grant of compensation of Rs.2,000/- is just and reasonable. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

_____

Dr. SHAMEEM AKTHER, J

12th July, 2018
Bvv